

Module 3: Federal and State Laws Pertaining to Erosion and Sediment Control

Module 3 Objectives

After completing this module, you will be able to:

- Understand the genesis for controlling sediment & stormwater in Virginia.
- Locate & better utilize key aspect of erosion and sediment control law.
- Better understand the overlap between the laws identified below

Module 3 Content:

3a. Brief History of the Erosion and Sediment Control Law

3b. Virginia ESC Law – Overview

3c. Virginia Stormwater Management Act – Overview

3d. Virginia Chesapeake Bay Preservation Act LDA – Overview

3a. History of the Erosion and Sediment Control Laws

The Dust Bowl (1930s) and Following

The urgency for the conservation of soil became more apparent in the 1930's during the dust bowl, which got its name on Sunday April 14, 1935. In 1933, there were 38 storms, and by 1934, it was estimated that 100 million acres of farmland had lost all or most of the topsoil to the winds. By the beginning of April 1935, there had been weeks of dust storms, and April 14, 1935 turned out to be the worst. Winds were clocked at 60 mph that day; and waves of topsoil blew over the mid-west.



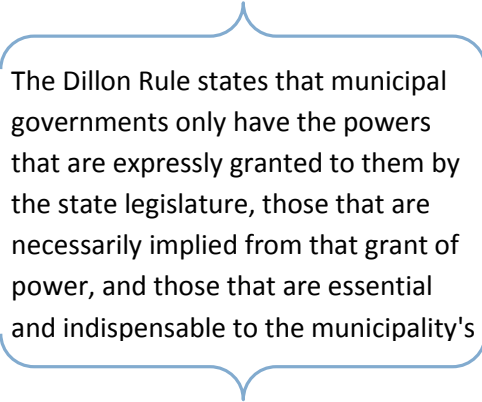
Figure 1. Photographs of the dust storms on April 14, 1935 (left) and 1934 (right). People reported that “seeds were blown out of the soil” and that “chickens went back to roost because it was so dark in the middle of the day.” (Source: http://www.livinghistoryfarm.org/farminginthe30s/water_02.html)

These events eventually resulted in the passage of Public Law 46 (PL-46), by the 74th Congress and the establishment of the Soil Conservation Service (now called the Natural Resources Conservation Service or NRCS). Shortly after passage of PL-46, President Franklin D. Roosevelt wrote to all the governors, recommending that states pass legislation to establish soil and water conservation districts. The President's letter expressed this concern with the following words: *"The nation that destroys its soil destroys itself."*

As a result of these events, Soil Conservation District laws were passed in all states. Virginia's Soil and Conservation District Law (Title 21) was passed in 1938, which established Soil and Water Conservation Districts (SWCD) that were to provide local leadership for soil and water conservation programs. There are currently 47 districts in Virginia. Initially, the task of the districts was to work with farmers on developing comprehensive programs and plans to conserve soil resources, control and prevent soil erosion, prevent floods and conserve, develop, utilize and dispose water. This was done with the help of the Soil Conservation Service and the Virginia Soil and Water Conservation Commission that was also established as part of the 1938 Law. The commission has now been replaced and its responsibilities lay now with the State Water Control Board and the Department of Environmental Quality (DEQ).

In 1966 in Virginia, there were few local governments, notably Fairfax County, where urbanization was occurring at a very rapid rate.

Fairfax therefore initiated a local ordinance *mandating* erosion and sediment control, a dubious practice from a legal point of view since these ordinances were not reinforced by a state mandate (Dillon Rule).



The Dillon Rule states that municipal governments only have the powers that are expressly granted to them by the state legislature, those that are necessarily implied from that grant of power, and those that are essential and indispensable to the municipality's

In 1971, the Governor's Council on the Environment created the Task Force on Erosion and Sediment Control to study the problems and to make recommendations. In August of the same year, the Task Force submitted its findings, confirming widespread sediment problems and recommending a statewide regulatory program to be administered through the Commonwealth's existing legal and administrative infrastructure.

The Virginia Erosion and Sediment Control Law (VESCL) adopted by the General Assembly in 1973 as an Addendum to the 1938 Soil and Water Conservation Districts Law, Title 21 (and subsequently re-codified as Title 10). The VESCL gave the Soil and Water Conservation Commission a 1974 deadline for establishing statewide General Criteria and for creating an administrative infrastructure composed of local programs, the SWCDs, and the Soil and Water Conservation Board. Accordingly in 1977, 171 Local Programs (subsequently reduced to 163) were established covering every county, city, and incorporated town in the state.

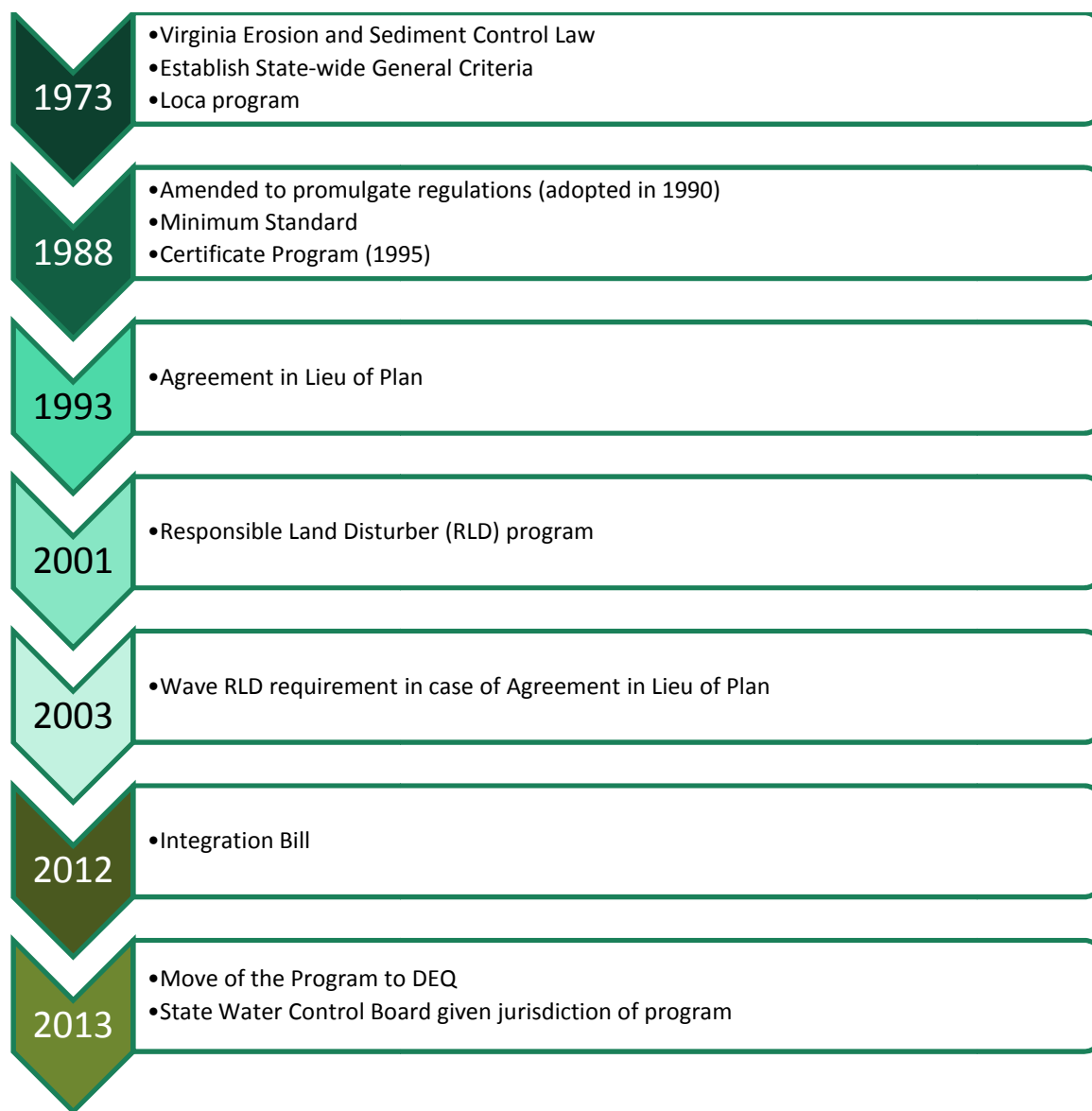


Figure 2. Historical sequence of the erosion and sediment control legislation.

The Federal Water Pollution Control Act (1948)

While the initial objective of soil conservation (erosion control) was preserving the topsoil for agriculture, it was soon realized that our waters were also in peril. The Federal Water Pollution Control Act of 1948 was the first major US law to address water pollution. The Act was one of the earliest references to clean water as a resource and the importance of protecting water quality through the managed reduction of pollutants flowing into waterways. This Act also set the precedent for a federal authority to regulate water quality.

The Clean Water Act (1972)

Congress passed major amendments to the Federal Water Pollution Control Act in 1972, creating what we now know as the Clean Water Act (CWA). The amendments made a number of changes to strengthen the existing law including:

- Consolidated the control of water pollution policy under the administrator of the newly created US Environmental Protection Agency (EPA)
- Established the National Pollutant Discharge Elimination System (NPDES) Permit Program, which in Virginia is administered by the Virginia Pollutant Discharge Elimination System (VPDES), to control water pollution by regulating point sources that discharge pollutants
- Stormwater discharges from land disturbing activities are permitted under the Construction General Permit (GP) through NPDES



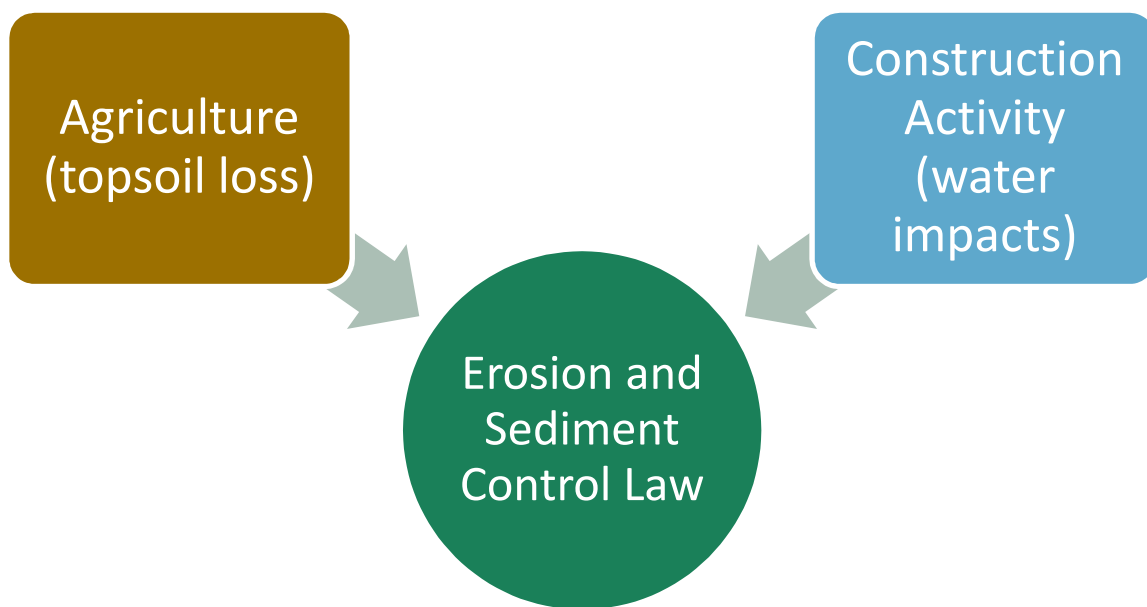


Figure 3. External pressures on the need to pass an Erosion and Sediment Control Law

In Virginia, stormwater discharge is regulated by three statutory laws:

- The Erosion and Sediment Control Law
- The Stormwater Management Act
- The Chesapeake Bay Act.

3b. Virginia Erosion and Sediment Control Law (VESCL)- Overview

Now that we are able to understand where laws to control erosion and sedimentation originated, we can focus on the VESCL. This discussion is not an all-inclusive study of the VESCL, but it will discuss key sections as they pertain to the implementation and execution of the law.

The stated intent of the law is “for the effective control of soil erosion, sediment deposition, and nonagricultural runoff to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources”

Participants should obtain a full copy of the VESCL for their own records.

- Start with Section [§62.1-44.15:51](#) (Definitions). Available at:

<http://lis.virginia.gov/cgi-bin/legp604.exe?000+cod+TOC62010000003000010000000>

Virginia Erosion and Sediment Control (VESC) Law Index

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Definitions (§62.1-44.15:51)

The VESCL contains the definitions of certain terms to explain their legal meanings and how they are to be applied to Erosion and Sediment Control.

"Land-disturbing activity"

Means any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting, and filling of land, except that the term shall not include:

- Minor land-disturbing activities such as home gardens and individual home landscaping, repairs, and maintenance work;
- Individual service connections;
- Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street, or sidewalk, provided the land-disturbing activity is confined to the area of the road, street, or sidewalk that is hard surfaced;
- Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
- Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.1;

"Erosion and sediment control plan"

means a document containing material for the conservation of soil and water resources of a unit or group of units of land.

It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment.

The plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives (§62.1-44.15:51).

- Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the Board in regulation, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163;
- Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company;
- Agricultural engineering operations, including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act (§ 10.1-604 et seq.), ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation;
- Disturbed land areas of less than 10,000 square feet in size or 2,500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations; however, the governing body of the program authority may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply;
- Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

"Erosion impact area" means an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes (§62.1-44.15:51)

- Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article and the regulations adopted pursuant thereto; and
- Emergency work to protect life, limb, or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the VESCP authority.

"Virginia Erosion and Sediment Control Program Authority" or "VESCP authority"

- An authority approved by the Board to operate a Virginia Erosion and Sediment Control Program. An authority may include a state entity, including the Department; a federal entity; a district, county, city, or town; or for linear projects subject to annual standards and specifications, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102.

Virginia Erosion and Sediment Control Program (§62.1-44.15:52)

The State
Water
Control Board

- Develop a program
- Adopt Regulations
- Provide technical assistance
- Adopt Minimum Standards
- Conduct periodic compliance reviews

DEQ

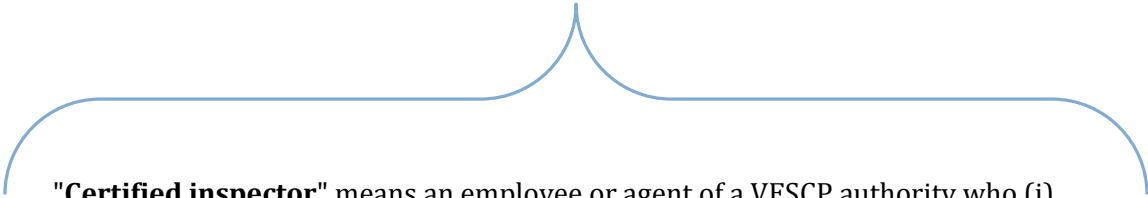
- Administer Education and training
- Require that agency personnel are certified

Result of integration bill and new stormwater law:

- Any plan approved prior to July 1, 2014, that provides for stormwater management, or
- For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements of this subsection shall be satisfied by compliance with water quantity requirements in the Stormwater Management Act 62.1-44.15:24

Certification of Local Program Personnel (§62.1-44.15:53)


A VESCP shall contain a certified program administrator, certified plan reviewer and a certified inspector. Inspections and plan review need to be done by a certified person.



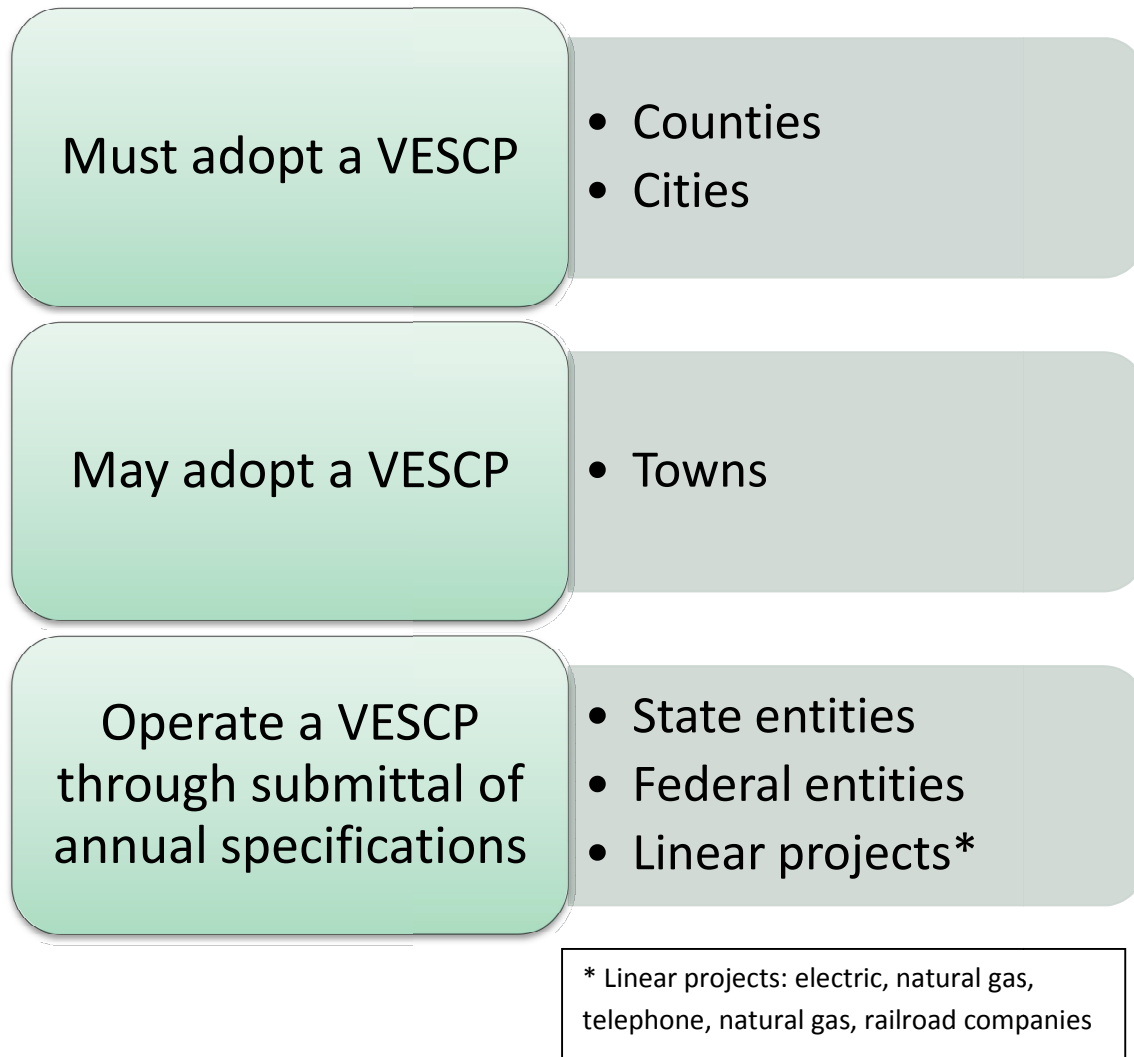
"Certified inspector" means an employee or agent of a VESCP authority who (i) holds a certificate of competence from the Board in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one year after enrollment.

"Certified plan reviewer" means an employee or agent of a VESCP authority who (i) holds a certificate of competence from the Board in the area of plan review, (ii) is enrolled in the Board's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, landscape architect, land surveyor pursuant to Article 1 (§ [54.1-400](#) et seq.) of Chapter 4 of Title 54.1, or professional soil scientist as defined in § [54.1-2200](#).

"Certified program administrator" means an employee or agent of a VESCP authority who (i) holds a certificate of competence from the Board in the area of program administration or (ii) is enrolled in the Board's training program for program administration and successfully completes such program within one year after enrollment.



Establishment of Virginia Erosion and Sediment Control Program (§62.1-44.15:54)



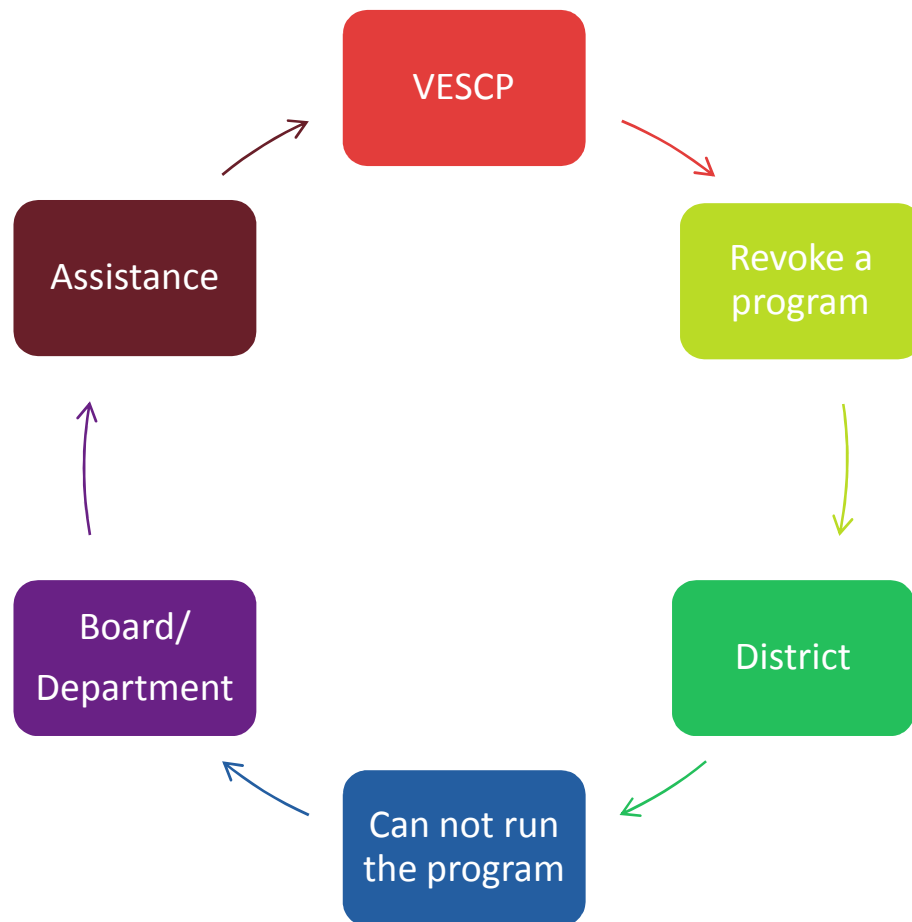
REQUIREMENTS OF A VESCP

A VESCP authority may enter into agreements or contracts with soil and water conservation districts, adjacent localities, or other public or private entities to assist with carrying out the provisions of this article.

VESCPs need to be approved by the Board.

Program needs to be integrated with stormwater management, flood insurance, flood plain management etc.

- The Department will do periodic compliance reviews of VESCPs and when compliance issues are found develop a corrective action agreement. In it the Board shall establish a schedule for the VESCP to come in compliance. Not doing so may result in a fine of \$5,000 per day not to exceed \$20,000 per violation.
- Board may revoke a program, after which the district is required to take over the program. If the district cannot manage the program, the VESCP will need to run the program with the assistance of the board/department.



- VESCP can charge for administering the program.
- Civil penalties shall be \$100 to \$1,000 not to exceed \$10,000 per violation.

Regulated Land Disturbing Activity; Submission & Approval or ESC Plan (§62.1-44.15:55)

- No person shall engage in any land-disturbing activity without an approved plan. As of July 1 2014 permit coverage under the Virginia Stormwater management Program is also required.
 - Where the land-disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the VESCP authority.
 - VESCP authority has **60 days** from determination of administrative completeness to review plan and a written rationale for denial must be provided within 45 days.
 - VESCP authority has **45 days** to review resubmitted plans
 - The name of an individual holding a certificate and responsible for carrying out the land-disturbing activity must be provided to the VESCP. Any VESCP authority may waive the certificate requirement for an agreement in lieu of a plan for construction of a single-family residence.
 - Changes to a plan may be required when: (1) when inspections show the plan is inadequate, or (2) circumstances on the ground change.
 - For entities submitting annual specifications, the Department shall have **60 days** to approve or comment on the standards and specifications.
- Note: Violation of Stormwater Pollution Prevention Plan (SWPPP) has much larger fines. A SWPPP consists of:
- Approved Stormwater Management Plan
 - Approved Erosion and Sediment Control Plan
 - Pollution Prevention Plan
 - Specific TMDL Plans
- “Agreement in lieu of plan” means a contract between the plan approving authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.

3b. Virginia Erosion and Sediment Control Law (VESCL) - Overview

- An E&S plan might be needed in case of erosion impact areas.
- The ultimate person responsible for a project, plan submittal and approval is the owner.

“Erosion impact area” means an area of land not associated with the current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters ...

(Not applicable areas <10,000 square feet, for residential areas or shoreline projects)

State Agency and Federal Entity Projects (§62.1-44.15:56)

- A state agency shall not undertake a project involving a land-disturbing activity unless:
 - The agency has annual standards and specifications approved by DEQ; or
 - The state agency has submitted an ESC plan for a project that has been approved by DEQ.

The state agency responsible for the land-disturbing activity shall ensure compliance with an approved plan

- A Federal agency shall not commence land disturbance shall not commence until DEQ has approved the plan

- If a local program contains more stringent ordinances than those of the state program, DEQ shall not approve the State/Federal project according to State standards.

If no action is taken by the VESCP authority within the time specified in this subsection, the plan shall be deemed approved and the person authorized to proceed with the proposed activity

- The Department shall have **60 days** in which to comment on any standards and specifications or erosion and sediment control plan.

- If DEQ has approved annual standards and specifications for a state agency or federal entity and they have been approved by the Board as a VESCP authority, ESC plan

review, approval, and land-disturbing activity inspections shall be conducted by that entity.

Security Performance (§62.1-44.15:57)

- Prior to issuance of any permit, the agency may require an applicant to submit a reasonable performance bond to ensure that measures could be taken by the agency at the applicant's expense should he fail
- The shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality + an inflation amount not to exceed 25 percent of the estimated cost
- Must refund the bond within **60 days** of project completion or permit termination.

Monitoring, Reports, and Inspections (§62.1-44.15:58)

- The VESCP authority **shall** provide for periodic inspections of the land-disturbing activity.
- The VESCP authority **may** require monitoring and reports from the person responsible for carrying out the erosion and sediment control plan.
- When an inspection shows a failure to comply with the plan the VESCP is required to prepare and mail a notice to comply to the responsible party using certified mail (see also Module 5).
- Stop Work Orders
 - Only after a notice to comply and failure to comply with the notice to comply.
 - For not having an RLD on-site.
 - Where the alleged noncompliance is causing or is in imminent danger of causing harmful

Inspections can be contracted out to third parties such as districts, adjacent localities, or any other public or private entities

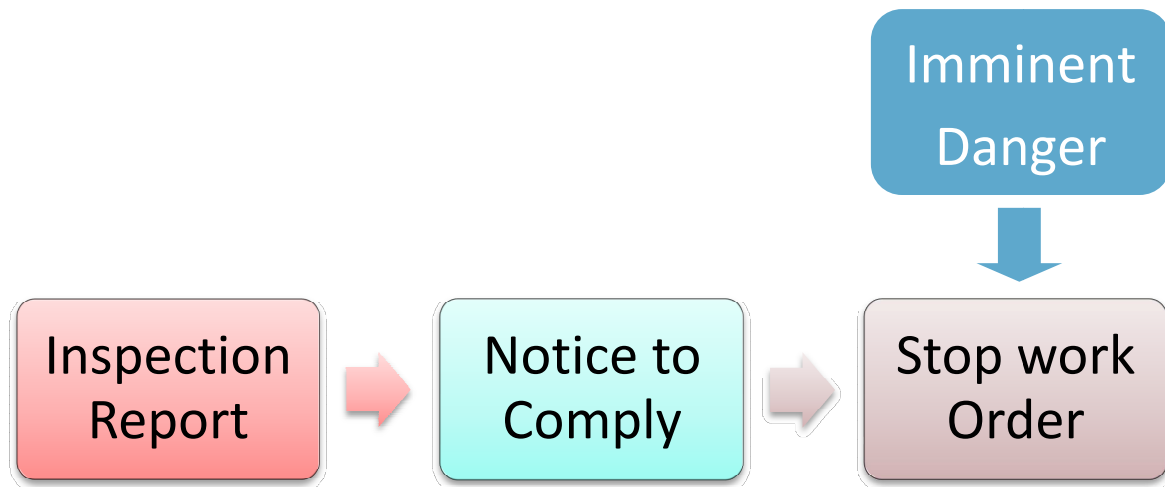
Inspection item #1:
Does the project have an RLD assigned to it?

For a project with an agreement in lieu of plan, an RLD is not required.

erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth.

- Where the land-disturbing activities have commenced without an approved erosion and sediment control plan or any required permits.
- An order for noncompliance with a plan shall be sent by certified mail, shall be posted on the site where the disturbance is occurring, and shall remain in effect for seven (7) days. In cases where there is no approved plan, the stop work order will remain in effect until such time as permits and plan approvals are secured.
- If the alleged violator has not obtained an approved erosion and sediment control plan or any required permit within seven days from the date of service of the order, the Department or the chief administrative officer or his designee on behalf of the VESCP authority may issue a subsequent order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved erosion and sediment control plan and any required permits have been obtained.

Stop work orders are in effect for only 7 days but they can be reissued



Reporting (§62.1-44.15:59)

Each VESCP authority shall report to the Department a listing of each land-disturbing activity for which a plan has been approved by the VESCP.

Right of Entry (§62.1-44.15:60)

The Department, the VESCP authority (where authorized to enforce this article) or any duly authorized agent of the Department or such VESCP authority have the right to enter any project for inspection of the land disturbance activities and/or erosion and sediment control. This must be accomplished at reasonable times and under reasonable circumstances.

Cooperation with Federal & State Agencies (§62.1-44.15:61)

A VESCP authority and the Board are authorized to cooperate and enter into agreements with any federal or state agency in connection with the requirements for erosion and sediment control with respect to land-disturbing activities

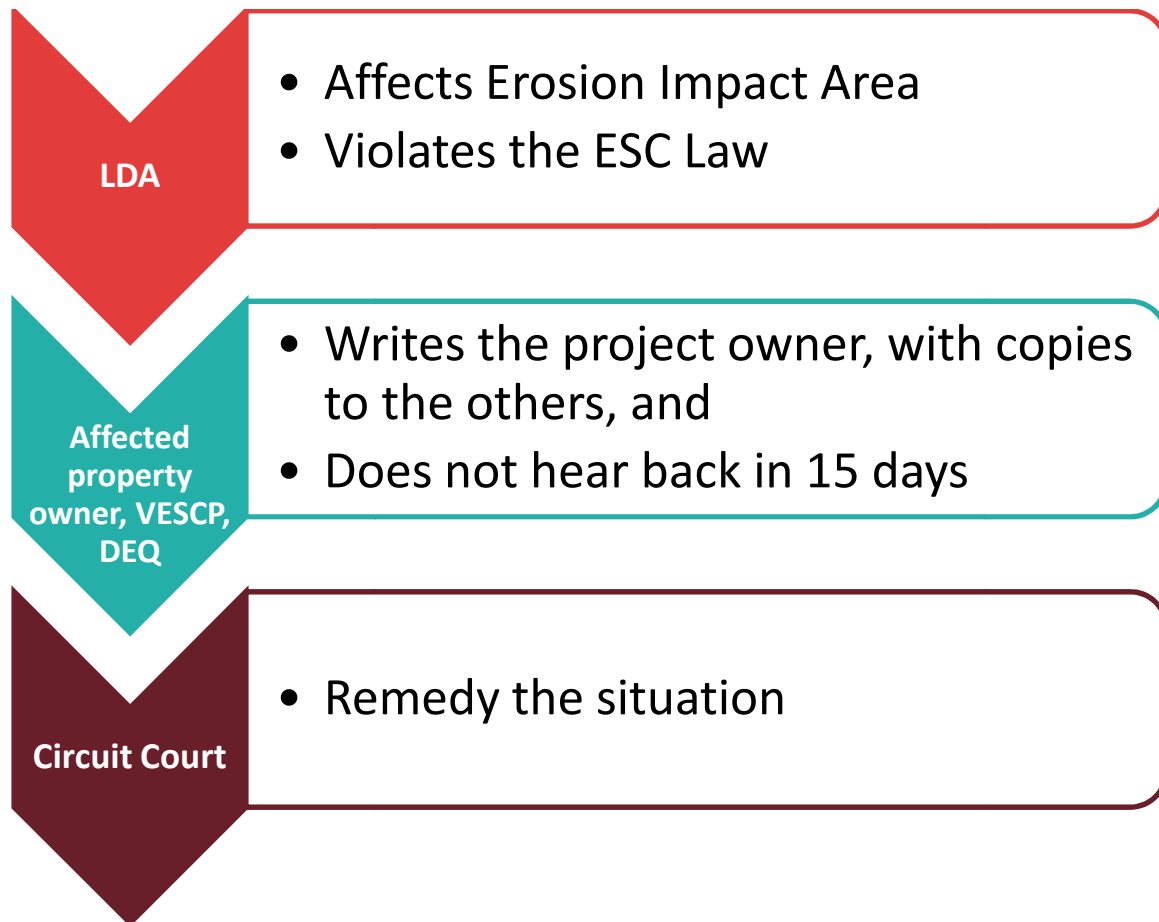
Judicial Appeals (§62.1-44.15:62)

- Appeal need to be filed within **30** days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.
- Final decisions of the Board, Department, or district shall be subject to judicial review in accordance with the provisions of the Administrative Process Act

Penalties, Injunctions and Other Legal Actions (§62.1-44.15:63)

- Violators of the Erosion and Sediment Control Law shall be guilty of a Class 1 misdemeanor.
- Courts shall assess a civil penalty to any person who has violated the Erosion and Sediment Control Law and Regulations (see also Module 5). These civil penalties shall

be paid into the treasury of the locality wherein the land lies (\$100 - \$1,000 per day, not to exceed \$10,000).



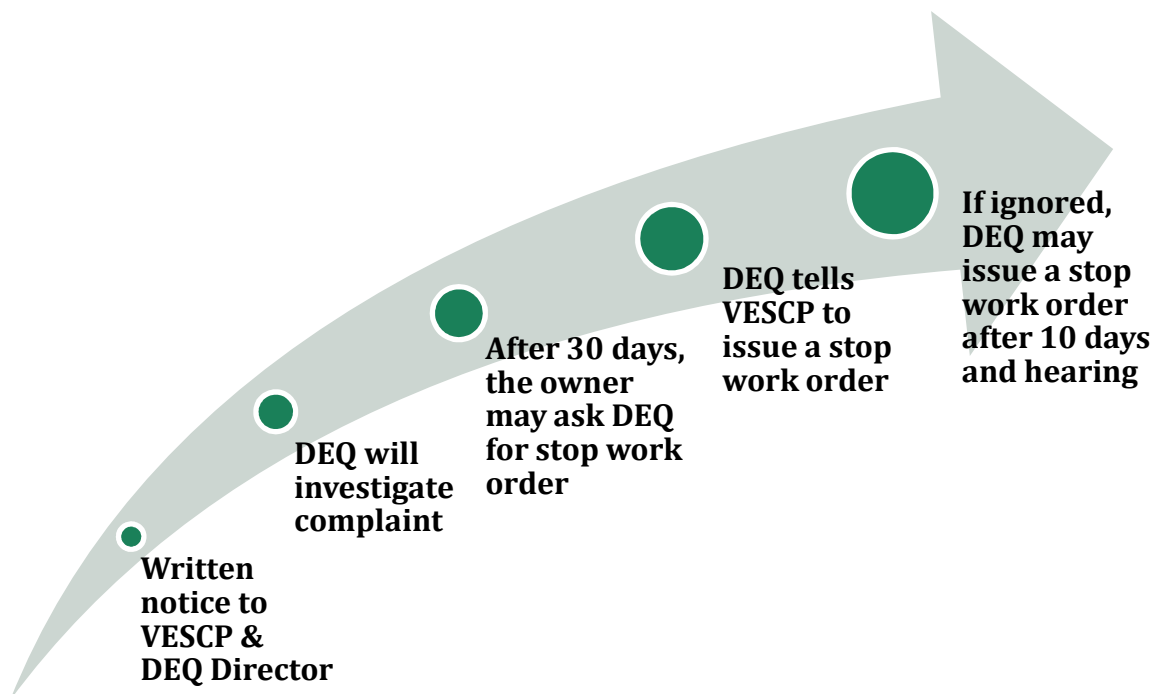
- In addition to any criminal or civil penalties provided under this article, any person who violates any provision of this article may be liable to the VESCP authority or the Department, as appropriate, in a civil action for damages.
- A civil penalty not to exceed \$2,000 for each violation maybe assessed by the VESCP authority wherein the land lies or the Department. Any civil penalties assessed by a court shall be paid into the treasury of the locality wherein the land lies, except that where the violator is the locality itself, or its agent, or other VESCP authority, or where the penalties are assessed as the result of an enforcement action brought by the Department, the court shall direct the penalty to be paid into the state treasury.
- With the consent of any person who has violated or failed, neglected, or refused to obey any regulation or order of the Board, any order, notice, or requirement of the

Department or VESCP authority, any condition of a permit, or any provision of this article or associated regulations, the Board, the Director, or VESCP authority may provide, in an order issued by the Board or VESCP authority against such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified above.

- Upon request of a VESCP authority, the attorney for the Commonwealth shall take legal action to enforce these provisions. Upon request of the Board, the Department, or the district, the Attorney General shall take appropriate legal action on behalf of the Board, the Department, or the district to enforce these provisions.

Stop Work Orders by Department; Civil Penalties (§62.1-44.15:64)

This section outlines the procedure that aggrieved property owners need to follow when complaining about a ESC violation. Steps include:



- DEQ may issue a stop work without advance notice or hearing, an emergency order in cases of imminent danger.
- If a person who has been issued an order or emergency order is not complying with the terms thereof:
 - the Board may institute a proceeding in the appropriate circuit court compelling the person to comply with such order

- they shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000 for each violation

Authorization for More Stringent Regulations (§62.1-44.15:65)

This section allows VESCPs, the district, or localities to adopt more stringent standards in their ordinances. These standards need to be based on factual findings or regional comprehensive watershed management studies, or other findings. The VESCP authority shall report the need for more stringent standards to the Board.

Authorization for More Stringent Regulations (§62.1-44.15:66)

This section defers to the Department of Mines, Minerals and Energy for the regulation of Erosion and Sediment Control from mining activities.

3c. Virginia Stormwater Management Act – Overview (begin at: [§62.1-44.15:24](#))

The Virginia Stormwater Management Act (VSMA) was first passed in 1989, and is the basis for all requirements pertaining to stormwater management in Virginia. When the VSMA was first passed, all state agencies were required to meet its requirements and local governments were given the option, but not required to adopt a local program.

The VSMA and Regulations have been amended and expanded over the past 24 years to create the Virginia Stormwater Management Program (VSMP) we have today. The biggest changes to the VSMP occurred in 2012 as a result the Integration Bill, which required all counties and cities in the state adopt and administer a local VSMP.

The Integration Bill also brings about a new shift to the runoff reduction paradigm, where designers will focus on reducing the post-development stormwater runoff volume from a site, as well as meeting more stringent nutrient load reduction requirements.

Under the VSMP, stormwater discharges from LDAs of one-acre or more, 2,500 square feet in Chesapeake Bay Preservation Areas, or a more stringent area as required by local ordinance, are permitted under the Construction General Permit (GP).

Exemptions

The following activities are exempt from the VSMA:

- Permitted surface or deep mining or oil and gas operations
- Clearing of lands specifically for agricultural purposes, harvesting of forest crops, livestock feedlot operations, and agricultural engineering operations
- Single-family residences separately built and disturbing less than one acre and that are not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures
- LDAs that disturb less than one acre of land area [except:](#)
 - Chesapeake Bay Preservation Act LDAs

- Activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance
- A VSMP authority may reduce this exception to a smaller area of disturbed land or qualify the conditions of this exception, but it cannot require the project to have coverage under the Construction GP

Common plan of development or sale:

A contiguous area where separate and distinct construction activities may be taking place at different times on different schedules (ex. subdivision).

- Discharges to a sanitary sewer or a combined sewer system
- Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use
- Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project
- Conducting LDAs in response to a public emergency to avoid imminent endangerment to human health or the environment

3d. Chesapeake Bay Preservation Act LDAs – Overview (§62.1-44.15:34)

Chesapeake Bay Preservation Act Land Disturbance Activities (LDAs) are equal to or greater than 2,500 square feet and less than one acre. After [July 1, 2014](#), the LDAs do not require coverage under the Construction GP. However, the LDAs are still required to meet the criteria in Part II of the Regulations.

Chesapeake Bay Preservation Act LDAs	
Now	After July 1, 2014
<ul style="list-style-type: none"> Required to obtain coverage under the Construction GP 	<ul style="list-style-type: none"> Not required to obtain coverage under the Construction GP Must follow Part II criteria

Single family residences that disturb less than 1 acre of land and are not part of a common plan of development or sale [regardless of location] are not required to obtain coverage under the Construction GP.



Knowledge Check

1. Any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into state waters is:
 - a. Not Regulated
 - b. Land Disturbance Activity
 - c. Erosion Impact Area
 - d. US Corp Jurisdiction

2. Which of the following is not a function of the Board under the VESCP?
 - a. Develop Regulations
 - b. Adopt Minimum Standards
 - c. Approve VESCP authorities
 - d. Administer Training Programs

3. True or False. Localities may adopt more stringent ordinances if they are necessary to address TMDL requirements or depleted ground water resources.
 - a. True
 - b. False

4. The VESCP authority must act on any application/plan within what time frame?
 - a. 30 days after it has determined the final application is complete
 - b. Before the first snowfall
 - c. 45 days before the bond is posted
 - d. 60 days after it has determined the final application is complete

5. Absent an imminent threat, documentation of a problem is done throughout an onsite inspection and enforcement consists of the following steps?
 - a. Don't ask, don't tell
 - b. Stop, drop, and roll
 - c. Report, notice, stop work order

6. For VESCP violations, the Department may invoke civil penalties not to exceed
 - a. \$2,000/day
 - b. \$32,500/violation
 - c. \$1,000/day
 - d. \$2,000/violation

7. A stop work order remains in effect for how many days?
 - a. 1
 - b. 3
 - c. 7
 - d. Until compliance